

## **REMARKS/ARGUMENTS**

### **Introduction:**

Claims 71, 115, and 121 are amended, and claims 122 and 123 are new. Claims 71-75, 77-88, and 102-123 are now pending in the application. (Claims 1-70, 76, and 89-101 were previously canceled.) Applicants respectfully request reconsideration of the application.

Applicants note that the amendments to at least claims 115 and 121 were made to correct typographical errors—not for reasons relating to patentability.

### **Claim Rejections:**

Claims 71-75, 77-88, 102-107, and 109-121 were rejected as anticipated by US Patent No. 5,990,695 to Daugherty, Jr. ("Daugherty"), and claim 108 was rejected as obvious in view of Daugherty. Applicants respectfully traverse these rejections.

Claim 71 recites that "a first plurality of said probes are attached directly to a first area of said surface of said first of said substrates," and claim 71 further recites that "said adjusting a shape of a surface of a first of said substrates changes said shape of said surface of said first of said substrates at said first area and thereby changes." In other words, the "adjusting a shape of a surface of a first of said substrates" physically changes the shape of the surface of the first substrate where the probes are attached. Daugherty does not teach or suggest such a feature.

In rejecting claim 71, the PTO equated Daugherty's probe contacts 18 with the probes of claim 71. As can be seen in Figure 1 of Daugherty, however, the probe contacts 18 are attached directly only to the flexible membrane 16, and in fact, the probe contacts 18 are attached directly only to a portion of the flexible membrane 16 that is directly under the pressure plate 20. Daugherty identifies the portion of the flexible membrane 16 that is directly below the pressure plate as the intermediate area 16c. (Daugherty col. 3, lines 40-44.) As should be apparent from a reading of Daugherty, the plungers 44 do not change a shape of the intermediate area 16c. This is because the flexible membrane 16 is in tension across the bottom surface of the pressure plate 20 (Daugherty col. 3, lines 28-29 and 40-44) and the shape of the surface of the intermediate area 16c of the flexible membrane 16 is thus effectively the shape of the bottom surface of the pressure plate 20. Moreover, the plungers 44 do not change a shape of the bottom surface of the pressure plate 20. Rather, the plungers 44 only change a tilt of the pressure plate 20 or, as Daugherty puts it, the plungers 44 "locate glass pressure plate 20 in a desired plane." (Daugherty

col. 4, lines 19-26.) Daugherty says nothing about changing a shape of the bottom surface of the pressure plate 20.

Moreover, there is no reason to modify Daugherty to change the shape of the bottom surface of the pressure plate 20. Applicants note that Daugherty teaches that the pressure plate 20 can be glass (Daugherty col. 3, lines 22-23.) Applicants assert that a person of ordinary skill would not think that the shape of a surface of a glass plate could or should be changed.

For at least the foregoing reasons, Applicants assert that claim 71 is patentable over Daugherty. Claims 72-75, 77-88, and 102-123 depend from claim 71 and, at least because of that dependency, are also patentable over Daugherty. Moreover, claims 72-75, 77-88, and 102-123 recite additional features not taught or rendered obvious by Daugherty.

For example, claim 108 recites that "said step of adjusting a shape of a surface of a first of said substrates comprises imparting a curvature to said surface." The PTO acknowledged that Daugherty does not teach such a feature. The PTO, however, asserted that it would be obvious to modify Daugherty's pressure plate 20, pressure plate frame 26, or pressure plate ring 28 to curve toward the device to be tested and thus impart curvature to the intermediate area 16c of the flexible membrane 16. The PTO provides no reasons for making such a modification other than to state that such a change is a mere design choice. Applicants respectfully assert that a conclusory statement regarding design choice is insufficient to support a finding of obviousness, and for this reason alone, the rejection of claim 108 should be withdrawn.

Moreover, even if such a modification were made to Daugherty, Daugherty would not meet the recited features in claim 108. This is because claim 108 recites that "said step of adjusting a shape of a surface of a first of said substrates comprises imparting a curvature to said surface." In other words, it is the step of adjusting the shape of the surface of the first substrate that changes the shape of the first surface to a curved shape. Were the bottom surface of Daugherty's pressure plate 20, for example, to be modified to have a curved surface as proposed by the PTO, it would not be the action of the plungers 44 that imparts curvature to the intermediate area 16c of the flexible membrane 16. Rather it would be the curved shape of the pressure plate 20 that would always impart the curvature. There would thus be no step of adjusting that imparted the curvature as recited in claim 108. For at least this additional reason, the rejection of claim 108 should be withdrawn.

As another example, new claims 122 and 123 recite that "said first substrate is monolithic, and said surface of said first substrate is a monolithic continuous surface." In rejecting some of the pending claims, the PTO relied on two of Daugherty's adjacent plunger pads 38. The features recited in claim s 122 and 123, however, cannot be met by adjacent plunger pads 38 because adjacent plunger pads 38 are not monolithic, nor do adjacent plunger pads 38 form a monolithic, continuous surface.

**Conclusion:**

In view of the foregoing, Applicants submit that all of the claims are allowable and the application is in condition for allowance. If at any time the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (801) 426-2106.

Respectfully submitted,

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